

Notice of Allowability

Application No.

09/667,440

Examiner

F. Ryan Zeender

Applicant(s)

KURIHARA ET AL.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 2/3/2005.
2. ☒ The allowed claim(s) is/are 4 and 5.
3. ☒ The drawings filed on 22 September 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William L. Brooks on 02/17/2005.

The application has been amended as follows:

In claim 4, line 2, a comma, --,-- was inserted after "withdrawal transaction".

In claim 4, line 14, "said second process" was changed to --said second transaction--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art, US5,905,908 to Wagner discloses a first transaction over a private line (see for example Col. 6, line 63 through Col. 7, line 35), a second transaction over the Internet, and a controller (i.e., "command") for controlling to perform the first and second transactions (See for example Col. 6, lines 17-36).

Wagner lacks the teaching of an operating unit for enabling the user to select either said first transaction or said second transaction; and further lacks the specifics of the encryption including generating an encryption key, sending the encryption key to the first data processing device, sending encrypted data to the second data processing

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device, and causing the second data processing device to send the encrypted data to the first data processing device.

The prior art, EP0813325A2 discloses a use of an open line and a private line but lacks the teaching of a first and second transaction, an operating unit for enabling the user to select either the first transaction or the second transaction; and further lacks the specifics of the encryption including generating an encryption key, sending the encryption key to the first data processing device, sending encrypted data to the second data processing device, and causing the second data processing device to send the encrypted data to the first data processing device.

The prior art to Bloom entitled "First Virtual goes off-line to secure on-line payments" discloses the use of an open line and a private line as well as a first and second transaction; but the reference lacks an operating unit for enabling the user to select either the first transaction or the second transaction; and further lacks the specifics of the encryption including generating an encryption key, sending the encryption key to the first data processing device, sending encrypted data to the second data processing device, and causing the second data processing device to send the encrypted data to the first data processing device.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application for patent, are novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351 before April 23, 2005 and (571) 272-6790 thereafter. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
Primary Examiner, A.U. 3627

 2/17/05
F. RYAN ZEENDER
PRIMARY EXAMINER